

BEST AVAILABLE COPY.



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

[Handwritten Signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/932, 532 09/17/97 DOVIAK

W P15733

WM01/0214

EXAMINER

GREENBLUM & BERNSTEIN
1941 ROLAND CLARKE PLACE
RESTON VA 20191

GELIN, T

ART UNIT

PAPER NUMBER

2681

DATE MAILED:

02/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/932,532	Applicant(s) Dovlak et al.
Examiner Jean A. Gelln	Group Art Unit 2681

Responsive to communication(s) filed on Jan 17, 2001

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- Claim(s) 80-137 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) 80-123 is/are allowed.
- Claim(s) 124-137 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 27
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2681

DETAILED ACTION

1. This is in response to the applicant's amendments received on January 17, 2001 in which claims 45-79 have been canceled, claims 124-137 have been added . Claims 80-137 are currently pending.

Claim Rejections - 35 U.S.C. § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 124 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claim 124, the phrase "the computer program comprising : transmitting over a first one of the networks" is not clear because a computer program can not include a transmitter.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2681

5. Claims 124-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Jabs et al..

Regarding to claim 124, Jonsson teaches a computer (i.e., computer equipment (ES) col. 12, lines 13-21) readable medium storing a computer program for routing data between a first device and a remote device over a plurality of parallel wireless networks, at least two of the networks being autonomous, dissimilar, connected to both the first device and the remote device, and available for data transmission (fig. 2, col. 10, lines 5-20, col. 13, lines 10-20), the computer program comprising: transmitting over a first one of the networks (col. 12, line 52 to col. 13, line 32); and transmitting over the second network (col. 12, line 52 to col. 13, line 32).

Jonsson does not specifically teach a transmission between the first device and the remote device occurs while switching from the first network to the second network.

However, a transmission between the first device and the remote device occurs while switching from the first network to the second network can be read on the system Jabs. Jabs teaches an interface that has a programmable routing feature such that it automatically provides the route from one of the station channels to the available trunck channel linked to the communication carrier having the medium of least cost. The interface route calls to communication carriers of various networks. When received calls, the interface automatically captures and interprets subscribers dialed numbers so that numbers may be understood by the selected carrier (col. 4, lines 12-59). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have implemented the techniques of automatically

Art Unit: 2681

routing calls to different communications systems taught by Jabs within the system of Jonsson in order to allow subscribers of two different communication networks to communicate and to route calls in an economical manner.

Regarding to claim 125, Jonsson teaches switching networks immediately after transporting a first data packet and before transporting a subsequent consecutive data packet (col. 15, lines 13-47).

Regarding to claim 126, Jonsson teaches monitoring to determine whether a next network is available for data transport (col 10, line 27 to col. 11, line 7).

Regarding to claim 127, Jonsson teaches selecting a next available network from the plurality of networks in accordance with network selection criteria when the monitoring determines that the first network becomes unavailable for data transport (col. 6, lines 23-67).

Regarding to claim 128, Jonsson teaches switching to the next available network, immediately after transporting a first data packet and before transporting a subsequent consecutive data packet, when the monitoring determines that the first network is unavailable for data transport (col 10, line 27 to col. 11, line 7; col. 15, lines 13-47).

Regarding to claim 129, Jonsson teaches the plurality of parallel dissimilar networks comprise at least one wireless network and at least one wireline network (col. 12, line 52 to col. 13, line 32).

Regarding to claim 130, Jonsson teaches interfacing protocolized data into the plurality of parallel dissimilar networks using different protocols (i.e., inherently present col. 9, lines 20-67).

Art Unit: 2681

Regarding to claims 131-137, Jonsson teaches in which the plurality of parallel dissimilar networks comprise dedicated networks, switched networks and dedicated networks, at least one of digital networks and analog networks, a packet based wireless network, and digital data (col. 12, line 1 to col. 13, line 32; col. 15, line 13 to col. 16, line 31).

Allowable Subject Matter

6. The following is an examiner's statement of reasons for allowance: Claims 80-123 are allowed for the reason recited in the previous office action (Paper # 18).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freeburg et al. teaches cellular data telephone system and cellular data therefor.

Conclusion

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2681

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Jean A. Gelin whose telephone number is (703) 305-4847.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-3900.

J. Gelin
January 24, 2001

T.G.

Tracy Legree
TRACY LEGREE
PATENT EXAMINER